HAF/3621 $

3/25/03 mll

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANTS:	Baum et al.	CONFIRMATION NO. 4964	
SERIAL NO.:	09/394,840	GROUP ART UNIT: 3621	
FILED:	September 13, 1999	EXAMINER: C. Sherr	

TITLE: "METHOD FOR DATA INPUT INTO A SERVICE DEVICE AND ARRANGEMENT FOR THE IMPLEMENTATION OF THE METHOD"

Assistant Commissioner for Patents,

Washington, D.C. 20231

APPELLANTS' MAIN BRIEF

S I R:

Pursuant to 37 C.F.R. §1.192, Appellants herewith submit their main brief in the appeal of the above-referenced application.

REAL PARTY IN INTEREST:

The real party in interest is the assignee of the application, Francotyp-Postalia AG & Co. KG, a German corporation.

RELATED APPEALS AND INTERFERENCES:

There are no related appeals and no related interferences.

STATUS OF CLAIMS:

Claims 1-20 are on appeal, and constitute all of the original claims of the application. No claim has been cancelled during prosecution.

STATUS OF AMENDMENTS:

No Amendment has been filed following the final rejection dated November 8, 2002.

SUMMARY OF THE INVENTION:

The method and apparatus which are the subject of the claims on appeal are for use in the context of postage meters, or postage calculating scales, which communicate with a data center remote therefrom. In general, when a postage meter or postage calculating scale (generically referred to as a service device) is in need of service data, such as an updated postage rate table, the service device communicates a status report to the data center which describes the current memory occupancy by current service data in the memory of the service device. This status report is analyzed at the data center and, depending on this analysis, the data center provides recommendations to the service device with regard to a future status of the memory occupancy in the service device. After communication of these recommendations to the service device, the service device undertakes a feasibility check as to the recommendations, and the service data are loaded from the data center into the service device according to one of these recommendations.

The embodiment relating to a postage meter is shown in Figure 1 and the embodiment relating to a postage calculating scale is shown in Figure 5. Although the two embodiments obviously have different internal components, the communication with the data center, as set forth in the claims on appeal is substantially the same in both embodiments. In order to avoid duplication, therefore, only the embodiment relating to the postage meter will be described in detail herein.

Figure 1 shows a block circuit diagram of the inventive postage meter machine with a printer module 1 for a fully electronically generated franking image, with at least one input unit 2 having a number of actuation elements (such as a keyboard), a display unit 3, a modem 23 producing communication with a data center DZ. (p.10, l.20-23) A further input unit 21 or a scale 22 are coupled to a

control unit 6 via an input/output control module 4. (p.10, l23 - p.11, l.1) The postage meter machine contains non-volatile memories 5a, 5b, 9, 10 and 11, which include the variable and constant parts of the franking format, and/or programs for processing the data in conjunction with the mail carrier or service that the carrier is to provide. (p11, l.2-5) In addition to a microprocessor μP, the control unit 6 in further embodiments can also contain a separate postage calculator 17 and further components such as an application-specific integrated circuit ASIC for communication with sensors and actuators of the machine base, a security module SiMo and other means for improving the data security. (p.11, l.5-10)

For example, postage fee schedule tables can be stored within the non-volatile memory 5a. The postage fee schedule tables can be separately stored in a non-volatile memory 16 (shown with broken lines). The fee schedule table which will be valid in the future is stored in the memory area 16-01 accordingly established therefor and the currently valid fee schedule table is correspondingly stored in the separately provided memory area 16-02. The appertaining conversion date is stored in a third area 16-03 of the non-volatile memory 16. (p.12, l.11-20) Information in a fourth memory area 16-04 for such new postage fee schedule tables available in the data center is, for example, in the form of a carrier-associated order number or version number. (p.12, l.20-22) The available memory capacity in the non-volatile memory amounts, for example, to 20 kBytes and is optimally used by a spaces-saving memory management. The non-volatile fee schedule memory is preferably a battery-supported C-MOS-RAM module. (p.12, l.22 - p. 13, l.2)

The data center DZ has modems 33 that are connected to a server 32 that accesses a data bank 31 when a corresponding request is received. Given on

demand actuation of a key of the input unit 2, or by the operation of some other suitable input unit 21 of the postage meter machine, or time-controlled by the calendar module 8 that forms a trigger circuit, a load instruction is generated that triggers the loading of the fee schedule table data. The microprocessor μP can be programmed so that service data that only constitute parts of a table (patches) are loaded from the data center DZ. The microprocessor μP can then communicate the request data by modem 23 via a communication network to the modem 33 of the data center DZ. Alternatively, transmission/reception devices can be utilized in order to communicate request data by radio, or a digital communication network can be used. (p.13, l.3-13)

Figure 2 shows a flowchart for a postage meter machine according to Figure 1, whereby a loading for a postage meter machine being operated ensues separately from a conversion. (p. 13, l.14-16) After the postage meter machine is turned on in start step 100 and after executing a start and initialization routine 101, the point s of the system routine 200 is reached. (p. 13, l.16-18) The postage meter machine has now been placed in operation and is in its normal operating mode that is also called normal mode. In a first step 201, non-volatilely stored input data are called for setting the postage meter machine. (p. 13, l.18-21) If the postage meter machine was set during the initialization routine 101 to collaborate with an activated scale, then a serial interface to the scale is selected in the first step 201 in order to receive at least one communicated weight value. (p. 13, l.21 p.14, l.1) The input unit 2 allows a number of further inputs for modifying the settings. For example, given actuation of a key 19 of the input unit 2, a load instruction is directly entered. Alternatively, a code can be entered with keys 20, this being acknowledged with a

key 18 in order to generate a load instruction later (possibly periodically). The input/display routine 209 contains a number of interrogation steps, only a single interrogation step 209-60 thereof being shown. This step 209-60 interrogates for the presence of a load instruction. (p.14, l.1-7) When such an input is recognized, a branch is made to sub-step 209-61 in order to set a communication requirement flag (E-flag), and then to reset the load instruction. If no (renewed) such input was recognized, a branch is made to the point e, possibly via further interrogation steps. In the communication mode 300, a check is made to determine whether an E-flag was set, and if so an automatically sequencing electronic communication with the data center DZ is triggered. (p.14, l.7-13)

In the communication mode 300, the requesting postage meter machine identifies itself at the data center DZ with its identification number (ID). (p.14, l.14-15) If the service device that requires the service data is a separate postage computer, the service device also informs the data center DZ of its identity TYP. The type (table type) of desired service data is likewise communicated ("rate table"). In the framework of a report (status report) about the status of the service data, the version number of the previous postage fee schedule table is communicated. (p.14, l.15-20) This allows an analysis in the data center DZ as to whether and to what extent operation was hitherto carried out with valid tables. (p.14, l.20-22) The locating of the new postage fee schedule tables in the data bank DB 31 of the data center DZ is also simplified by having this information. (p.14, l.22-23) Each postage fee schedule table has a release order number allocated to it, which is compared to that communicated in order to identify the release or order number of the postage fee schedule table to be loaded in the future. (p.14, l.23 - p.14, l.13) A unique name or

mark stored, as information in the fourth memory area (16-04) can alternatively identify the new service data. The server 32 is programmed for checking inter alia for a load instruction, as explained in detail below with reference to Figure 3. The postage fee schedule table data are preferably initially intermediately stored in the memory area 7d of the volatile main memory 7 of the postage meter machine in order to enable a check. (p.15, l.3-8)

If service data were communicated and intermediately stored in the main memory area 7d as a result of the communication, then this is recognized in the following interrogation step 211 and a branch is made to the evaluation mode 213. It is not only possible in the evaluation mode to check the correctness of the communication and validity of the new service data, but also further checks or statistical acquisitions can be realized. (p.15, l.9-14) It can be optionally provided to check the updating requirement of service data in the evaluation mode and to update the service data if necessary. The result of this check is displayed in the display mode 215 before a branch is made back to the point s of the system routine. When the result of this check was positive, for example, a U-flag for mode switching is set for a following updating. In the interrogation step 202, a check can be made, for example with reference to the set U-flag, as to whether service data are to be loaded into the non-volatile memory 16. (p.15, l.14-20) In step 203, a number of sub-steps then ensue for mode switching and for loading the service data into the non-volatile memory 16. (p.15, l.21-22) The U-flag for mode switching is then in turn reset in a terminating sub-step before a branch is made back to point s of the system routine. (p.15, l.22 - p. 16, l.2)

If, however, the result of this check was negative, then a branch is made to the next step, for example to the interrogation step 204. In the interrogation step 204, an inquiry is made as to whether a data transmission ensued from the scale 22. If no weight value from the scale 22 is identified and transmitted to the postage meter machine, then this is determined in interrogation step 204 and a branch is then made back to point s of the system routine 200. (p.16, 3-8) The postage meter machine thus waits for an input from the scale 22. When this input ensues, a handshake signal is sent to the scale 22 in the step 205 and a branch is then made to step 206 in order to check whether a conversion is required, particularly on the basis of a stored conversion date and the current date in step 207. Given a requirement for a conversion, a branch is made to step 208 in order to implement an updating of the service data in the memory areas of the non-volatile memory 16. A branch is then made back to the point s of the system routine. (p.16, 8-15) Otherwise, the point t of the system routine 200 is reached. The input/display routine 209 contains a number of interrogation steps, each thereof being individually interrogated. If no further inputs are present, the step 300 is executed without communication. When no further data were communicated, this being identified via the interrogation step 211, the point b of the system routine 200 is reached. (p.16, 15-20)

The flowchart of the communication mode for a service device and the corresponding executive sequences in the data center are explained with reference to Figure 3. The service device is started in step 100 and a number of steps are processed, these already having been explained with reference to Figure 2. During the framework of an input routine 209, a check ensues as to the presence of a load

instruction in order to start a communication on demand. (p. 18, l.17-22) The communication in the communication mode 300 comprises at least a first transaction and a second transaction, which entail a number of sub-steps. (p.18, l.22 - p.19, l.2)

The first transaction 320 begins with the communication of the identification ID of the service device in a first commencement sub-step. The ID is, for example, the postage meter machine serial number. Optionally with the ID, the machine type of the calling service device, the ISO country code, a service ID and a release of the transmission protocol can be communicated. The service ID describes the domain of the requested service, for example postage fee schedule table, or slogan and/or cryptolink reloading service. (p.19, l.3-9) The release information, designated RELEASE, describes the current technical status of the transmission protocol. In a second commencement sub-step, at least the type of the transmission is communicated in order to make it clear what service data are to be loaded. Further, specific messages can be communicated in addition to the type of transaction: type and ID of the destination machine that uses the service data, for example whether it is a postage computer or a postage-calculating scale. A description of the service software of the destination machine and the capabilities thereof with respect to the loading optionally ensue. (p.19, l.9-16)

The microprocessor µP of the service device forms the aforementioned status report during the first transaction. Corresponding to a program stored in the program memory 11, a list having a table of contents of the memory occupancy is produced corresponding to the requirements for the service device. (p.19, l.17-20) In particular, it is possible for the service device to store the postage fee schedule tables in compressed form in a memory area and to retrieve and decompress

(expand) each table only when needed. (p.19, l.20-22) Alternatively, postage fee schedule tables can be stored already expanded or stored in INTEL-HEX format. In addition to information that describe the size of the available memory capacity, the total number of existing memory areas for the corresponding service, the data formats and patches (INTEL-HEX format) and memory size of the service data, also brief descriptions of the service data, or particulars about the content are described in this table of contents. (p.19, l.23 - p.20, l.5) Each postage fee schedule table of a carrier has a carrier name, or a carrier ID, as a part thereof and has a version number, a revision number and a validity date. The latter identifies the validity beginning with a predetermined date. The combination of version and revision number is referred to as the release. In a third sub-step of the first transaction 320 the aforementioned forming and sending of the status report STATUS to a specific server 32 of the data center takes place. In a sub-step of the step 420 and with a survey of the new service data offered by at least one of the carriers in step 410, the server 32 implements an analysis of the communicated status report and forms recommendations as a result of the analysis. (p.20, l.5-14) For each stored service table, the type thereof, the ID of the table memory and the recommended operation are communicated, for example the recommendation may be that the appertaining table is valid and should be retained. Alternative operations are a replacement of individual table sections or service data by patches, a deletion without replacement or, if a replacement is needed, changing the table. (p. 20, l.14-18)

As an analysis result having only a few bytes and/or in the form of an amended list of possible modifications, the recommendations are communicated to

the service device in a message designated MESSAGE. (p. 20, l.18-20) The form of the list is retained in the latter instance, however, it can differ in form at different service devices. (p. 20, l.20-21) The list only contains particulars for possible memory occupancy with current service data and service data taking effect in the future but does not contain the service data set itself, this being communicated only latter in a following, second transaction 330, 430. (p. 20, l. 21 - p. 21, l. 2)

A simple example for a service device is explained with reference to Figure 6, which shows a service data memory with free memory locations. The status report is a message from the service device about, for example, three memory modules I, II, III and the memory occupancy or, respectively, about memory locations A = 2K, B = 4K, C = 1K that are still free. A first memory area 16-01 can be defined as proceeding beyond a memory module I or II. The server has data blocks having the size D = 3K, E = 1K, F = 0K for new service data. The status report from the service device arrives and is analyzed in the server.

$A < D$, $A > E$, $A > F$;

$B > D$, $B > E$, $B > F$;

$C < D$, $C < E$, $C > F$.

Due to $B > D > A, C$, there is only a single possibility for a data block D, namely to load it into the memory location B that is still free. For logic reasons, the analysis in the present example yields two further recommendations (path 1, path 2) for the service device:

Path 1: load data block E into memory module I, erase memory module III;

Path 2: load data block E into memory module III, erase memory module I. (p.21, l.3-19)

Although a memory area of the same size as required for data block E is present for C, it can be most meaningful according to the further recommendation for a specific device type to load the data block E into the memory module I that has more free memory capacity. (p. 21, l.20-23) Since the memory module III contains non-current data sets that will soon no longer be required, the service device can erase these sets. The content of the recommendations is dependent on the nature and currentness of the service data and on the device type of the service device. The following recommendations for the service device are also possible for other service data when the access to old data that are still current should be maintained in memory module I or III:

1. Load data block D into memory module II, load data block E into memory module I, do not erase memory module III;
2. Load data block D into memory II, load data block E into memory III, do not erase memory I.

For a case wherein no current data are to be loaded it is also possible that corresponding recommendations are communicated to the service device. Usually, however, there are modifications when the loading is initiated, so that the recommendations cover a number of proposals. (p.22, l.10-13)

The list of possible modifications covers a number of proposals, whereby the most meaningful proposal is listed first in conformity with the invention. Type, format, number of bytes to be transmitted, size of the data file after expansion or after the patch, a description of the new table or service data by RELEASE, and ID of the destination memory for the table or, respectively, service data are indicated for every proposal. (p.22, l.14-19) When the modification of the table was initiated by

the carrier, the previous version number is incremented for the new table. (p.22, l.19-23) The revision number is always incremented when an amendment of an already released table is required for internal reasons (for example, bug fix). The RELEASE information is a component of the postage fee schedule table. (p.22, l.23 - p.23, l.3) If service data were correspondingly offered in the first step 410, the new table must be taken into consideration when forming the recommendations for a postage fee table loading if the user is to make use of the service of the appertaining mail carrier. If a service device has a number of releases of a table stored, the validity date thereof preceding the current date, then the table having the highest release number must be employed. Tables having lower release numbers therefore can be erased. The postage tables can be present in various formats from which the number of bytes to be transmitted, or the data file size, are determined, the service device being informed thereof. (p. 23, l.3-8)

In a fourth sub-step of the first transaction 320, the communicated recommendations are received and interpreted in the service device in order to make a corresponding memory area available, or in order to select a free memory area. During the evaluation in the aforementioned fourth sub-step, a selection of one of the recommended tables occurs in the service device (client). For the following download section, the client requires the description of a table (or tables), that the server is to send in the second transaction. (p. 23, l.9-15)

The following scenarios are possible:

1. The client selects from the recommendations received in the previous section. Different service devices are thereby possible as client, i.e. those that make a user input necessary or wherein the selection ensues automatically.

2. The client wishes to re-assume an aborted download, i.e. the client knows what table was loaded when the abort ensued and knows what part of the data already loaded are valid and knows the offset for the re-assumption of loading.

3. The client explicitly requests a table (interaction with the user necessary).

ISSUES:

According to the manner by which the Examiner designated the rejections, the sole issue on appeal is whether claims 1-20 would have been obvious to a person of ordinary skill in the art under the provisions of 35 U.S.C. §103(a) based on the teachings of United States Patent No. 4,752,950 (Le Carpentier) in view of the teachings of United States Patent No. 5,715,164 (Liechti et al.)

GROUPING OF CLAIMS:

The claims on appeal include independent claim 1 and independent apparatus claim 11. The patentability of these two independent claims stands or falls together.

Claims 2-10 depend from independent claim 1. The patentability of claims 2-7, 9-10 stands or falls together with the patentability of claim 1. The patentability of dependent claim 8 does not stand or fall together with any of claims 1-7, 9 or 10, and separate arguments for the patentability of claim 8 are set forth below.

Claims 12-20 depend from independent claim 11. The patentability of claims 12-14 stands or falls together with the patentability of claim 11. The patentability of claims 15-20 does not stand or fall together with the patentability of claims 11-14, and separate arguments in support of the patentability of claims 15-20 are set forth below. The patentability of claims 15-20 stands or falls together.

ARGUMENT:

In the final rejection, the Examiner stated that claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Le Carpentier in view Liechti et al. In fact, however, the Liechti et al. reference was applied only against claim 8, and the Examiner provided citations only to the Le Carpentier reference in substantiation of the rejection of claims 1-7, 9 and 10. Similarly, in the final rejection the Examiner stated claims 11-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Le Carpentier in view of Liechti et al., but the Examiner provided citations to passages only in the Le Carpentier reference in substantiating the rejection of claims 11-14. The Liechti et al. reference was relied upon together with Le Carpentier only for the basis of rejecting claims 15-20.

If the Examiner intended to rely on the Liechti et al. reference as a basis for rejecting any of claims 1-7, 9 or 10, or any of claims 11-14, it is not apparent from the contents of the final rejection, and therefore in this Brief Appellants will treat claims 1-7, 9 and 10 and claims 12-14 as being rejected solely based on the teachings of Le Carpentier.

First, as a general argument applicable to all claims, Appellants submit the Examiner has failed to satisfy the procedural criteria for establishing a *prima facie* case of obviousness, In each of the first Office Action and the final rejection, the Examiner has merely copied the claim language and provided citations to the Le Carpentier or Liechti et al. references, but has made no effort to correlate the cited passages in those references to the actual claim language, and in most instances there is virtually no resemblance whatsoever between the reference passage cited by the Examiner and the claim language of the present application. Simply providing

such citations with no further explanation is not a proper basis for substantiating a rejection under 35 U.S.C. §103(a).

This is particularly true when, as here, Appellants have provided extensive discussion and analysis in support of Appellants' position that the reliance by the Examiner on the cited passages is incorrect with regard to their content and/or the alleged correlation between those passages and the claim language. In response to these arguments of the Appellants made during prosecution, the Examiner merely repeated the citations in the references (which are discussed in detail below), but did not provide any refutation or commentary regarding Appellants' arguments as to why those citations are inappropriate for supporting a rejection under 35 U.S.C. §103(a). Appellants at this time, therefore, are still unable to determine how or why the Examiner refutes Appellants' arguments.

Moreover, after providing these citations to various passages in the prior art references, the Examiner has merely alleged that it would have been obvious to a person of ordinary skill in the art to modify one or both of the references, but has not substantiated that allegation with any evidence. Appellants acknowledge that an explicit suggestion to combine or modify references is not necessary in order to support a rejection under 35 U.S.C. §103(a), and also acknowledge that the references always must be considered as a whole. Nevertheless, this does not alleviate the obligation on the part of the Examiner to substantiate the rejection with something more than a mere allegation that such motivation or suggestion exists. As stated by the Federal Circuit in *In re Kotzab,* 54 U.S.P.Q. 2d 1308, 1316 (Fed. Cir. 2000):

> [T]o establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or

> teaching of the desirability of making the specific combination that was made by the applicant.

The Federal Circuit further stated in *In re Dembiczak*, 50 U.S.P.Q. 2d 1614, 1617 (Fed. Cir. 1999):

> Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is a *rigorous* application of the requirement for a showing of the teaching or motivation to combine prior art references. (Emphasis added)

Further, in *In re Mayne,* 41 US.P.Q.2d 1451, 1454 (Fed. Cir. 1997), the Federal Circuit stated:

> When relying on numerous references or a modification of prior art, it is incumbent upon the Examiner to identify some suggestion to combine the references or make the modification.

Additionally in the *In re Dembiczak* Decision noted above, the Federal Circuit stated:

> We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved, ... The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. ...Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."

Moreover, the unsupported allegation regarding a motivation to combine the teachings of the references has nothing to do with the content or goal of the claims on appeal, as will be discussed below with regard to the claims which were, in fact, rejected based on a combination of the teachings of Le Carpentier and Liechti et al. Therefore, even if the unsupported allegations in the final rejection are, contrary to Appellants' assertions, considered adequate evidence for a *prima facie* case of obviousness, this evidence is factually incorrect.

As to independent claim 1, the Examiner relied only on the Le Carpentier reference, citing the language at column 2, lines 17-66 as allegedly teaching all of the method steps of independent claim 1, as well as method steps in certain of the dependent claims. The language in this passage in the Le Carpentier reference, however, merely describes a general procedure for data communication between a data center and a number of local stations. There is nothing in this passage in the Le Carpentier reference which describes any details as to what takes place at the data center and/or at the local stations during the course of such a communication procedure.

The method of claim 1 of the present application is to allow a data center to transmit service data to a service device after an analysis at the data center of a status report from the service device which informs the data center as to the memory occupancy by the service data in the memory of the service device. Based on this status report, and based on service data available at the data center, the data center provides recommendations to the service device with respect to a future status of the memory occupancy in the service device. These recommendations are communicated from the data center to the service device and, at the service device, a feasibility check is undertaken as to these recommendations. The service data from the data center are then loaded in the service device according to one of the recommendations.

This method therefore allows the data center to be sure that when new service data are transmitted to the service device, the memory occupancy of the service device is sufficient and suitable for storing the new service data. This is accomplished by the data center analyzing the memory occupancy status report

received from the service device and making recommendations to the service device. Assuming that at least one of these recommendations is feasible within the service device, the service device then loads the new service data according to that recommendation.

No such procedure is disclosed or suggested in the passage cited by the Examiner in the Le Carpentier reference, or in any other portion of the Le Carpentier reference. There is no discussion whatsoever in the passage in Le Carpentier cited by the Examiner, or anywhere else in the Le Carpentier reference, to undertake any analysis of any type as to memory occupancy and to provide recommendations from the data center to a service device based on that analysis, and then to load service data according to such a recommendation. As noted above, the passage in Le Carpentier cited by the Examiner merely sets forth the basic steps in a data exchange between the data center and the local stations, but does not provide any information as to any sort of analysis of transmitted data which is undertaken at either end of the communication. The Examiner has merely repeated the language from claim 1 followed by a repeated citation of this same passage in Le Carpentier, but has not identified any specific teaching in the Le Carpentier reference which describes the aforementioned analysis and recommendation procedure of claim 1.

In view of the complete absence of any teaching or suggestion to transmit a status report relating to memory occupancy and/or to analyze that status report to provide recommendations for future storage of service data and/or to then load the transmitted service data according to one of those recommendations, the subject matter of independent method claim 1 would not have been obvious to a person of ordinary skill in the art based on the teachings of Le Carpentier.

Claims 2-7, 9 and 10 add further method steps to the non-obvious method of claim 1, and are therefore patentable over the teachings of Le Carpentier for the same reasons discussed above in connection with claim 1.

As to claim 8, the Examiner acknowledged that the Le Carpentier reference does not disclose the step of compressing the service data and loading the service data in the form of compressed service data, as set forth in claim 8. The Examiner relied on the Liechti et al. reference as providing a teaching to compress service data, citing column 5, lines 15-35 in Liechti et al. This passage, however, merely refers to monitoring the contents of the descending register in the postage meter, which represent the amount of postage remaining in the meter for franking. This passage is therefore completely unrelated to compression of data and does not even mention the word "compress" or "compression." This passage, therefore, does not provide any teaching whatsoever regarding compressing data of any type, much less compressing service data.

Moreover, whatever the contents of this passage in Liechti et al., the Examiner stated it would have been obvious to one of ordinary skill in the art to combine the teachings of Le Carpentier and Liechti et al. "in order to provide greater security and accuracy in the handling of postage meter data." Even if the aforementioned passage in the Liechti et al. reference were somehow construed (in a manner unknown to the Appellants) to have any bearing on the compression of service data, the compression of data in general, and the compression of service data in particular, have nothing to do with security or accuracy. Data compression takes places solely to conserve bandwidth in the transmission of data, and to

conserve memory capacity in the storage data. Security and accuracy of the data are ensured by completely different techniques.

In summary, therefore, the cited passage in the Liechti et al. reference does not provide any teachings having any relationship whatsoever to the subject matter of claim 8, and the Examiner's alleged motivation for combining this teaching (whatever it is) in Liechti et al. with the teachings of the Le Carpentier reference is factually incorrect.

As noted above, claims 11-14 also were rejected based only on citations to the Le Carpentier reference. Claims 11-14, therefore, are patentable over the teachings of Le Carpentier for the same reasons discussed above in connection with independent claim 1.

The rejections of claims 15-20 were all based on the aforementioned citation in Liechti et al. at column 5, lines 15-35. As noted above, this passage merely discusses checking the contents of the descending register, and has nothing whatsoever to do with the subject matter of any of claims 15-20. Moreover, the Examiner provided the same alleged motivation (greater security and accuracy in the handling of postage meter data) as a basis for a motivation to modify the Le Carpentier reference in accordance with the teachings of Liechti et al. For the reasons discussed above, this alleged motivation is factually incorrect.

The subject matter of claims 15-20, therefore would not have been obvious to a person of ordinary skill in the art based on the teachings of Le Carpentier and Liechti et al.

CONCLUSION:

For the foregoing reasons, Appellants respectfully submit the Examiner is in error in law and in fact in rejecting claims 1-20 based on the teachings of Le Carpentier and Liechti et al. Reversal this rejection is therefore proper, and the same is respectfully requested.

This Brief is accompanied by a check for the requisite fee in the amount of $320.00.

Submitted by,

Steven H. Noll (Reg. 28,982)

SCHIFF, HARDIN & WAITE
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Appellants.

CERTIFICATE OF MAILING

I hereby certify that an original and two copies of this correspondence are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 7, 2003.

Steven H. Noll

STEVEN H. NOLL

APPENDIX "A"

1. A method for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of:

providing a memory for service data in a service device and forming in said service device, a status report of memory occupancy by said service data in said memory;

establishing a communication between said service device and said data center and transmitting said status report from said service device to said data center;

based on said status report and the service data available at said data center, forming recommendations in said data center for a future status of said memory occupancy in said service device;

communicating a message from said data center to said service device containing said recommendations;

upon receipt of said message at said service device, checking said recommendations in said service device for feasibility; and

loading said service data available at said data center into said memory of said service device according to one of said recommendations.

2. A method as claimed in claim 1,

wherein the step of providing a memory comprises providing said memory with at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored,

and a second memory area in which currently valid service data are stored, and wherein the step of establishing a communication comprises checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, establishing said communication with said data center;

wherein the step of forming recommendations comprises recommending storage of said service data in at least one of said first memory areas, and wherein the step of checking said recommendations comprises conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas;

and wherein said method further comprises forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center;

and wherein the step of loading said service data comprises, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and

automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date.

3. A method as claimed in claim 2 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein the step of forming said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein the step of forming said recommendations at said data center comprises forming said recommendations in a sequence dependent on the table type and table description contained in said request data and wherein the step of conducting a check comprises checking said recommendations for feasibility in an order determined by said sequence and wherein the step of selecting one of said first memory areas comprises selecting one of said first memory areas recommended in a first of said recommendations in said sequence which is found to be feasible, and wherein the step of loading said service data comprises selectively loading, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and wherein the step of automatically updating said service device comprises periodically determining whether a current date precedes, equals or follows said conversion date and automatically updating said service device if said current date equals or follows said conversion date and continuing operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date.

4. A method as claimed in claim 3 wherein the step of providing a memory comprises providing a memory in said service device with a third memory area and wherein the step of loading said service data comprises loading said conversion date into said third memory area and wherein the step of automatically updating said service device comprises providing an electronic calendar module in said service device which continuously emits a signal identifying said current date, and periodically comparing said conversion date in said third memory area with said signal from said calendar module.

5. A method as claimed in claim 3 comprising the additional step of providing a calendar module in said service device which emits a signal identifying said current date, and wherein the step of automatic updating comprises automatically requesting said current date from said calendar module.

6. A method as claimed in claim 3 comprising loading said conversion date into a separate memory area of said memory of said service device, separate from said first memory area.

7. A method as claimed in claim 3 wherein said service data comprise postage fee schedule table data, and comprising the additional steps of:

providing a postage calculator in said service device which calculates a franking value using said postage fee schedule table data;

providing a further memory area in said memory of said service device;

communicating from said data center to said service device information about new postage fee schedule table data available at said data center and making an entry in said further memory area dependent on said information;

generating a load code in said postage calculator and checking if and when said load code has a predetermined relationship to said entry in said further memory area;

switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists.

8. A method as claimed in claim 7 wherein the step of communicating information comprises communicating information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list.

9. A method as claimed in claim 8 comprising listing a most meaningful proposal first in said list.

10. A method as claimed in claim 1 wherein the step of loading said service data includes compressing said service data.

11. An arrangement for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of:

a services device having a memory for service data, a computer which forms a status report of memory occupancy by said service data in said memory;

means for establishing a communication between said service device and said data center and for transmitting said status report from said service device to said data center;

means for forming recommendations in said data center, based on said status report and the service data available at said data center, for a future status of said memory occupancy in said service device;

means for communicating a message from said data center to said service device containing said recommendations;

upon receipt of said message at said service device, said computer checking said recommendations in said service device for feasibility;

said computer loading said service data available at said data center into said memory of said service device according to one of said recommendations; and

means in said service device for triggering updating of said service data in said memory at a time separated from loading of said service data into said memory.

12. An arrangement as claimed in claim 11,

wherein said memory comprises at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein said means for establishing a communication comprises means for checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, for establishing said communication with said data center;

wherein said means for forming recommendations comprises means for recommending storage of said service data in at least one of said first memory areas;

wherein said computer checks said recommendations by conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas;

said computer forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center;

said computer, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and

said computer automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date.

13. An arrangement as claimed in claim 12 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein said computer forms said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein said means for forming said recommendations at said data center forms said recommendations in a sequence dependent on the table type and table description contained in said request data, and wherein said computer conducts said check by checking said recommendations for feasibility in an order determined by said sequence and selects one of said first memory areas which is in recommended in a first of said recommendations in said sequence which is found to be feasible, and selectively loads, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and automatically updates said service device if a current date precedes, equals or follows said conversion date and automatically continues operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date.

14. An arrangement as claimed in claim 13 wherein said memory has a third memory area and wherein said computer loads said conversion date into said third memory area, and said service device comprises an electronic calendar module which continuously emits a signal identifying said current date, said computer periodically comparing said conversion date in said third memory area with said signal from said calendar module.

15. An arrangement as claimed in claim 13 wherein said service device comprises a calendar module which emits a signal identifying said current date, and wherein said computer automatically requests said current date from said calendar module.

16. An arrangement as claimed in claim 13 wherein said computer loads said conversion date into a separate memory area of said memory of said service device, separate from said first memory area.

17. An arrangement as claimed in claim 13 wherein said service data comprise postage fee schedule table data, and said arrangement comprising:

a postage calculator in said service device which calculates a franking value using said postage fee schedule table data;

a further memory area in said memory of said device;

means for communicating from said data center to said service device information about new postage fee schedule table data available at said data center and for making an entry in said further memory area dependent on said information;

said postage calculator generating a load code and checking, and informing said computer, if and when said load code has a predetermined relationship to said entry in said further memory area; and

said computer switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists.

18. An arrangement as claimed in claim 17 wherein said means for information communicates information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list.

19. An arrangement as claimed in claim 18 wherein said means for communicating information lists a most meaningful proposal first in said list.

20. An arrangement as claimed in claim 11 comprising means compressing said service data.

CHI_DOCS2\ 688027.1